

STATUTORY INSTRUMENTS

1998 No. 1027

The Plant Breeders' Rights Regulations 1998

Hearings of oral representations

8.—(1) If any person applies to be heard in accordance with regulation 7(4)(e) and (f), the Controller shall appoint a time and place in the United Kingdom at which that person and all of the other persons concerned may be heard by him.

(2) In appointing the time and place of the hearing, the Controller shall have regard to the convenience of the persons concerned and of witnesses, the situation of any land or premises to be viewed in connection with the application and to the other circumstances of the case, including the wishes of and expense to the persons concerned.

(3) The Controller may appoint a person for the purposes of conducting the hearing referred to in paragraph (1) and all references to the Controller in these Regulations in relation to the conducting of a hearing shall be deemed to refer to a person appointed pursuant to this paragraph.

(4) The Controller shall give to each of the persons concerned at least 14 days' notice of the time and place of the hearing.

(5) Any person concerned may be represented at the hearing by a person chosen by him.

(6) Any person concerned or his representative who attends the hearing may speak and he or his representative may call witnesses and, subject to paragraph (7), may produce documents and shall be given an opportunity of putting questions directly to any witness called at the hearing.

(7) Except with the leave of the Controller, no document shall be produced to the hearing, save in accordance with the requirements of regulation 7(4)(g).

(8) Subject to paragraph (9), the hearing shall be in public unless the Controller, after consultation with the persons concerned attending the hearing or their representatives, otherwise directs.

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(10) Subject to paragraph (11), the decision of the Controller shall take effect at such time as he shall direct after the expiration of the time limit for the bringing of an appeal.

(11) Where the Controller decides to grant an application in a case where no person concerned has made any representations to him in writing or has been heard by him in opposition to the granting of an application, the decision shall take effect at such time as he shall direct.

(12) The Controller shall inform the persons concerned of his decision, together with the reasons for it, and of the time within which and the manner in which an appeal may be brought.

(13) The Controller shall publish in the gazette details of the decision and details of the time within which and manner in which an appeal may be brought.

Textual Amendments

F1 Reg. 8(9) omitted (3.11.2008) by virtue of [The Tribunals, Courts and Enforcement Act 2007](#) (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 85**

Changes to legislation: There are currently no known outstanding effects for the The Plant Breeders' Rights Regulations 1998, Section 8. (See end of Document for details)

Commencement Information

II [Reg. 8](#) in force at 8.5.1998, see [reg. 1](#)

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There are currently no known outstanding effects for the The Plant Breeders' Rights Regulations 1998, Section 8.